IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 14075 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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RANJITBHAI BHAGVANBHAI T-KOLI - Applicant(s)
Versus
THE STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR SUNIL C PATEL for Applicant(s) : 1,
MR AY KOGJE, APP for Respondent(s) : 1,
MR MANAV A MEHTA for Respondent(s) : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 04/05/2007

ORAL JUDGMENT

1. This application filed by the original complainant seeking cancellation of bail granted to respondents nos. 2 and 3 herein who are the

original accused nos. 1 and 2 in a criminal complaint bearing C.R. No.I-63/2006 filed before Panshina police station alleging offences punishable under sections 307, 324, 323, 504, 147, 148, 149 of Indian Penal Code read with section 25(1) of Arms Act and section 135 of the Bombay Police Act.

2. The accused were released on regular bail by the learned Sessions Judge by an order dated 27th November, 2006. The applicant who was original complainant has therefore, filed this application seeking cancellation of bail granted by learned Judge.

3. Having heard learned advocate Shri Sunil C. Patel for the applicant, having perused the material on record and having heard learned APP Shri Kogje for the State and Shri Manav Mehta for original accused, I do not find that this is a fit case where cancellation of bail is called for. Learned Judge has given cogent reasons for releasing the accused on bail. There has to be substantial and pressing reasons for cancelling the bail granted by learned Judge in exercise of his discretionary powers. It is by now well settled that consideration for cancellation of bail would substantially be different from those governing a situation where the accused is pressing for bail. In the petition, no allegations have been made of the accused having

misused the liberty after being enlarged on bail. They have been released on bail in November, 2006.

4. Considering all these aspects of the matter, I do not find that bail granted requires cancellation. Additionally, If also find that the accused as well as present complainant were involved in cross cases.

5. In the result, this application is rejected. Rule is discharged.

(Akil Kureshi,J.)

(raghu)